

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

RICKY WAYNE BECKETT	§	
VS.	§	CIVIL ACTION NO. 1:11-CV-320
RICKY GUTIERREZ, ET AL	§	

MEMORANDUM ORDER PARTIALLY ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Ricky Wayne Beckett, a prisoner currently confined at the Jefferson County Correctional Facility, proceeding *pro se* and *in forma pauperis*, filed this civil rights complaint pursuant to 42 U.S.C. § 1983 against the following defendants: Lieutenant Ricky Gutierrez, Captain J. Eiselstine, Cindy Green with Naph Care, Nurse Practitioner Kelly, Ms. Vega, Sheriff Mitch Woods, and Lieutenant Turner.

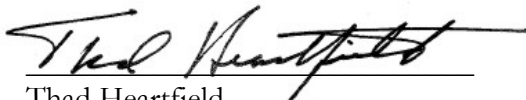
The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends plaintiff's civil rights action be dismissed as improvidently filed.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties. Plaintiff did, however, file a Motion to Dismiss. Plaintiff has an absolute right to voluntarily dismiss his claims, without a court order, before the opposing party serves an answer. *See* FED. R. CIV. P. 41(a)(1). No answer has been filed by the defendants in this case. Plaintiff's claims, therefore, should be dismissed pursuant to FED. R. CIV. P. 41(a)(1).

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **PARTIALLY ADOPTED** to the extent it recommends dismissal. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this the **25** day of **April, 2012**.


Thad Heartfield
United States District Judge